IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5344 of 2007()

CMP.6490/2007 of J.M.F.C.-II,NEYYATTINKARA
CRIME NO.56 OF 2007 OF AMARAVILA EXCISE RANGE

.....

: PETITIONER/ACCUSED:

CHANDRA BABU, S/O. NEELAKANDAN,
ASWATHY BHAVAN, KARAKATHALA MELAY,
PANAYAMMOOLA, AMARAVILA P.O.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING EXCISE INSPECTOR, AMARAVILA EXCISE
RANGE.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON 09/07/2007 PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5344 of 2007

Dated this the 7th day of September 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to be in possession of 5 litres of arrack on 15/8/2007. He was arrested and continues in custody from that date. The petitioner has four other crimes under the Kerala Abkari Act also to his credit pending, submits the learned Public Prosecutor.

2. The learned Public Prosecutor opposes the application for bail. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

3. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge for bail at later stage of the investigation, not at any rate, prior to 15/09/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007